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Attorneys for Plaintiff
Tesoro Refining & Marketing Company LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TESORO REFINING & MARKETING
COMPANY LLC, a Delaware limited
liability company,

Plaintiff,

v.

SB GAS & WASH MANAGEMENT,
INC., a California corporation; and
AHMAD ABADI, an individual,

Defendants.

Case No. 2:18-CV-04895-SVW-MAA

[Judge Stephen V. Wilson]

**PLAINTIFF'S AMENDED NOTICE
OF MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

Date: October 29, 2018

Time: 1:30 p.m.

Courtroom: 10A

Date Action Filed: June 1, 2018

1 TO DEFENDANTS:

2 PLEASE TAKE NOTICE that on Monday October 29, 2018 at 1:30 p.m., or as
3 soon thereafter as the Court allows, in Courtroom 10A, located at First Street
4 Courthouse, 350 W. 1st Street, Los Angeles, California 90012, Tesoro Refining &
5 Marketing Company, LLC (“Plaintiff”) will, and hereby does, move the Court to enter a
6 default judgment against SB Gas & Wash Management, Inc. and Ahmad G.S. Abadi
7 (collectively “Defendants”) in this action.

8 In connection with this motion, Plaintiff presents proof of the following matters:

- 9 1. Defendants are not infants, incompetent persons, or in the military service (the
10 latter meaning the Servicemembers Civil Relief Act does not apply).
- 11 2. Defendants have not filed responses to the Complaint (ECF 1) in this action.
- 12 3. None of the Defendants have appeared personally or by representative and,
13 therefore, the Defendants are not entitled to notice of this motion under L.R.
14 55-1(e) and Fed. R. Civ. P. 55(b)(2). Nonetheless, Plaintiff sent a letter dated
15 August 23, 2018 to Defendants notifying them of Plaintiff’s intention to seek
16 default judgment against them and of the amount of damages Plaintiff will
17 seek.
- 18 4. Plaintiffs are entitled to judgment against Defendants on all claims pleaded in
19 the Complaint.
- 20 5. As set forth in the attached memorandum, Plaintiff seeks a judgment for
21 contract damages, pre-judgment interest as calculated under the applicable
22 contracts, attorneys’ fees and costs, and post-judgment interest.

23 This Motion is based on this Notice of Motion, the attached Memorandum of
24 Points and Authorities, the Declarations of John L. Castañeda, Sherrie L. Caudle, and
25 Ashley Vinson Crawford, all attached exhibits, all other pleadings and papers on record
26 in this action, and upon such oral argument as may be made at the hearing. The clerk
27 has previously entered default against Defendants on August 20, 2018. ECF 12.

1 There was no pre-filing conference pursuant to L.R. 7-3 because default was
2 previously entered against Defendants, which Plaintiff notified Defendants of in a letter
3 dated August 23, 2018, and Defendants have not answered or responded to the
4 Complaint. Nor have Defendants contacted Plaintiff in response to the same letter dated
5 August 23, 2018.

6
7 Dated: September 27, 2018

AKIN GUMP STRAUSS HAUER & FELD LLP
SUSAN K. LEADER
ASHLEY VINSON CRAWFORD
KELLY A. HANDSCHUMACHER

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11 By /s/ Ashley Vinson Crawford
 Ashley Vinson Crawford
 Attorneys for Plaintiff
12 Tesoro Refining & Marketing Company LLC
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CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1999 Avenue of the Stars, Suite 600, Los Angeles, CA 90067-6022. On September 27, 2018, I served the foregoing document(s) described as:

1. PLAINTIFF'S AMENDED NOTICE OF MOTION FOR ENTRY OF DEFAULT JUDGMENT;

on the interested party(ies) below, using the following means:

Ahmad Abadi
151 N. Thurston Ave.
Los Angeles, CA 90049

SB Gas & Wash Management, Inc.
151 N. Thurston Ave.
Los Angeles, CA 90049

☐ BY UNITED STATES MAIL. I enclosed the documents in a sealed envelope or package addressed to the respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid at Los Angeles, California.

☒ BY OVERNIGHT DELIVERY. I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 27, 2018 at Los Angeles, California.

Rebecca McNew

[Print Name of Person Executing Proof]

[Signature]